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Attorneys for Plaintiff HOMIE TECHNOLOGY, INC.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

HOMIE TECHNOLOGY, INC., a Delaware corporation,

Plaintiff,

v.

NATIONAL ASSOCIATION OF REALTORS, an Illinois non-profit association; ANYWHERE REAL ESTATE INC., a Delaware corporation; KELLER WILLIAMS REALTY, INC., a Texas corporation; HOMESERVICES OF AMERICA, INC., a Delaware corporation; HSF AFFILIATES LLC, a Delaware limited liability company; and RE/MAX, LLC, a Delaware limited liability company,

Defendants.

Case No. 2:24-cv-00616-DAK-JCB

**PLAINTIFF'S NOTICE OF
WITHDRAWAL OF CONTINGENT
MOTION FOR JURISDICTIONAL
DISCOVERY (WITH AMENDED
CONTINGENT MOTION FOR
JURISDICTIONAL DISCOVERY
FILED IN ITS PLACE)**

Hearing on Defendants' Motions to Dismiss:

Date: Thursday, February 13, 2025

Time: 2:00 p.m.

Place: Via Zoom

District Judge: Hon. Dale A. Kimball
Magistrate Judge: Hon. Jared C. Bennett

TO THE ABOVE-ENTITLED COURT AND TO DEFENDANTS AND THEIR RESPECTIVE ATTORNEYS OF RECORD IN THE ABOVE-CAPTIONED ACTION:

WHEREAS, on December 27, 2024, plaintiff Homie Technology, Inc. (“Homie” or “Plaintiff”) filed in the above-captioned action (the “Action”) (a) “Plaintiff’s Contingent Motion for Jurisdictional Discovery” (ECF 91, “Initial Motion”), (b) “Plaintiff’s Request for Judicial Notice of *Burnett* Jury Verdict, in Support of Contingent Motion for Jurisdictional Discovery” (ECF 92, “Initial Request for Judicial Notice”), and (c) “Declaration of Sterling A. Brennan Re Plaintiff’s Request for Judicial Notice of Jury Verdict, in Support of Contingent Motion for Jurisdictional Discovery” (ECF 92-1, “Initial Brennan Declaration”);

WHEREAS, the Initial Motion specifically referenced arguments regarding personal jurisdiction made by—and thus the Initial Motion was directed against—defendants HomeServices of America, Inc. and HSF Affiliates, LLC (collectively, the “HomeServices Defendants”) and Keller Williams Realty, Inc. (“Keller Williams”) in their briefing on their respective Rule 12(b) motions to dismiss;

WHEREAS, shortly after filing the Initial Motion and related papers, Homie realized that it had inadvertently omitted defendant RE/MAX, LLC (“RML”), which also had raised arguments regarding personal jurisdiction in its Rule 12(b) motion briefing; thus, on January 3, 2025, Homie filed in the Action (d) “Plaintiff’s Amended and Supplemental Contingent Motion for Jurisdictional Discovery” (ECF 94, “Amended Motion”), (e) “Plaintiff’s Request for Judicial Notice of *Burnett* Jury Verdict, in Support of Amended and Supplemental Contingent Motion for Jurisdictional Discovery” (ECF 95, “Amended Request for Judicial Notice”), and (f) “Declaration of Sterling A. Brennan Re Plaintiff’s Request for Judicial Notice of Jury Verdict,

in Support of Amended and Supplemental Contingent Motion for Jurisdictional Discovery" (ECF 95-1, "Amended Brennan Declaration); and

WHEREAS, the Amended Motion is directed to and against the HomeServices Defendants, Keller Williams, and RML,

NOW, THEREFORE, PLEASE TAKE NOTICE that:

1. Homie hereby *withdraws* the Initial Motion, Initial Request for Judicial Notice, and Initial Brennan Declaration filed on December 27, 2024;
2. Homie intends the Amended Motion, Amended Request for Judicial Notice, and Amended Motion filed on January 3, 2025, to have been filed in the place and stead of the Initial Motion, Initial Request for Judicial Notice, and Initial Brennan Declaration, respectively; and
3. The defendants against whom the Amended Motion is directed (i.e., the HomeServices Defendants, Keller Williams, and RML) need not respond to the Initial Motion, Initial Request for Judicial Notice, or Initial Brennan Declaration, but instead

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should respond, if at all, to the Amended Motion, Amended Request for Judicial Notice, and Amended Brennan Declaration filed on January 3, 2025.

Dated: January 8, 2025

Respectfully submitted,

Sterling A. Brennan
L. Rex Sears
MASCHOFF BRENNAN
GILMORE ISRAELSEN & MAURIEL, LLP

Andrew K. Mann
Christopher G. Renner
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/s/ Sterling A. Brennan
Sterling A. Brennan

Attorneys for Plaintiff HOMIE TECHNOLOGY, INC.